

FILED

April 6, 2022

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
By: SAJ Deputy

UNITED STATES OF AMERICA

Plaintiff

v

TOM JEFFREY MCKISSICK V

Defendant

Case No: SA-22-CR-00159-XR

INDICTMENT

COUNTS 1, 2, and 3: 18 U.S.C. § 2252A(a)(2), Distribution of Child Pornography;

COUNT 4: 18 U.S.C. § 2252A(a)(2), Receipt of Child Pornography; and

COUNT 5: 18 U.S.C. § 2252A(a)(5)(B), Possession of Child Pornography.

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. § 2252A(a)(2)]

Beginning on or about February 6, 2022, and continuing through on or about February 7, 2022, within the Western District of Texas, and elsewhere, the Defendant,

TOM JEFFREY MCKISSICK V

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), in and affecting interstate and foreign commerce, by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT TWO

[18 U.S.C. § 2252A(a)(2)]

On or about February 3, 2022, within the Western District of Texas, and elsewhere, the Defendant,

TOM JEFFREY MCKISSICK V

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), in and affecting interstate and foreign commerce, by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT THREE
[18 U.S.C. § 2252A(a)(2)]

On or about February 5, 2022, within the Western District of Texas, and elsewhere, the Defendant,

TOM JEFFREY MCKISSICK V

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), in and affecting interstate and foreign commerce, by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT FOUR
[18 U.S.C. § 2252A(a)(2)]

On or about February 6, 2022, within the Western District of Texas, and elsewhere, the Defendant,

TOM JEFFREY MCKISSICK V

did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), in and affecting interstate and foreign commerce, by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT FIVE

[18 U.S.C. § 2252A(a)(5)(B)]

On or about March 10, 2022, within the Western District of Texas, the Defendant,

TOM JEFFREY MCKISSICK V

did knowingly possess material that contained an image of child pornography, that involved a prepubescent minor, which had been shipped and transported using any means and facility of interstate and foreign commerce, and which was produced using materials which had been mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer, more specifically: the defendant possessed one Samsung SM-G998U, Galaxy S21, 5G cellular telephone, with IMEI 356544760505674, which contained still images and videos of child pornography as defined in Title 18, United States Code, Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

Child Pornography Violations and Forfeiture Statutes

As a result of the violations set forth in Counts One, Two, Three, Four, and Five, the United States gives notice of its intent to seek the forfeiture of certain property upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 2253(a)(1), (2), and (3), which state:

Title 18 U.S.C. § 2253. Criminal forfeiture

(a) Property subject to criminal forfeiture.-A person who is convicted of an offense under this chapter involving a visual depiction described in section... 2252A...of this chapter... shall forfeit to the United States such person's interest in-

(1) any visual depiction described in section... 2252A...of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

This Notice of Demand for Forfeiture includes, but is not limited to, the following property:

one Samsung SM-G998U, Galaxy S21, 5G cellular telephone, with IMEI 356544760505674.

A TRUE BILL

FOREPERSON OF THE GRAND JURY

ASHLEY C. HOFF
UNITED STATES ATTORNEY

BY:



FOR BETTINA J. RICHARDSON
Assistant United States Attorney